

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Michele DeLia	Team: Team # 3	CCRB Case #: 200705209	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 04/14/2007 8:02 PM	Location of Incident: Corner of Stratford Avenue and East 172nd Street	Precinct: 43	18 Mo. SOL 10/14/2008	EO SOL 10/14/2008	
Date/Time CV Reported Sat, 04/14/2007 8:29 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 04/14/2007 8:29 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Miguel Iglesias	15012	941926	043 PCT
2. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Fram Roekthanom	08752	942465	043 PCT
2. POF Tania Montes	13718	940943	043 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Miguel Iglesias	Abuse: PO Miguel Iglesias frisked § 87(2)(b)	
B. An officer	Abuse: An officer frisked § 87(2)(b)	
C.POM Miguel Iglesias	Abuse: PO Miguel Iglesias refused to provide his name and shield number to § 87(2)(b)	
D.POM Miguel Iglesias	Abuse: PO Miguel Iglesias threatened to arrest § 87(2)(b)	

Synopsis

On April 14, 2007, at approximately 8:29 PM, § 87(2)(b) filed a complaint with the CCRB via the call processing system. § 87(2)(b) alleged that on April 14, 2007 at approximately 8:02 PM, § 87(2)(b) was warned by an unidentified officer not to ride his bicycle on the sidewalk and he dismounted his bike. As § 87(2)(b) began to leave, PO Miguel Iglesias stopped § 87(2)(b) and allegedly asked § 87(2)(b) if he had any illegal substances in his pocket, which § 87(2)(b) denied. Then PO Iglesias asked § 87(2)(b) for identification, which § 87(2)(b) stated he did not have and provided his name. Then PO Iglesias and an unidentified officer frisked § 87(2)(b) (**Allegations A and B**). After, § 87(2)(b) asked PO Iglesias for his name and shield number, but PO Iglesias did not respond (**Allegation C**). PO Iglesias took out a pen and paper and asked § 87(2)(b) for his full name, which § 87(2)(b) provided, along with his address. PO Iglesias allegedly threatened, “If that is not your name, you’re going down” (**Allegation D**). Then PO Iglesias issued § 87(2)(b) a summons for § 87(2)(b). § 87(2)(b), § 87(2)(g)

§ 87(2)(g)

Summary of Complaint

§ 87(2)(b)

On April 23, 2007, § 87(2)(b) a § 87(2)(b) black male, provided a brief telephone statement to the CCRB (Enc. 5). On April 25, 2007, § 87(2)(b) was interviewed at the CCRB (Enc. 6-10). § 87(2)(b)

§ 87(2)(g)

On April 14, 2007 at approximately 8:29 PM, § 87(2)(b) rode his bike on the sidewalk when PO1, a Hispanic female in uniform, on foot, stocky build, black medium-length hair, stopped § 87(2)(b) and told him not to ride on the sidewalk. § 87(2)(b) who did not dispute this, dismounted the bike and walked it into the street. § 87(2)(b) then saw a group of five or six officers in uniform, including one black female and two Hispanic males stopping vehicles about twenty feet away. § 87(2)(b) got back onto his bike on the street when PO2, a Hispanic male officer in uniform with short black hair, 6'0", with a muscular build, and identified as PO Miguel Iglesias through investigation, yelled at § 87(2)(b) to "come back here!" § 87(2)(b) dismounted the bike and walked two feet forward next to PO1. PO Iglesias approached § 87(2)(b) and told him to place his bike on the ground and § 87(2)(b) complied. PO Iglesias asked § 87(2)(b) if he had any illegal substances in his pocket, which § 87(2)(b) denied. At this point, other officers who had been stopping vehicles approached them. PO Iglesias asked § 87(2)(b) if he had identification, which § 87(2)(b) stated that he did not. PO Iglesias asked § 87(2)(b) for his name, which § 87(2)(b) verbally provided. Then PO Iglesias and PO3, described as a black Hispanic male, 5'7", thin build, and light curly brown hair, frisked § 87(2)(b). According to § 87(2)(b)'s telephone statement, he stated that PO Iglesias "frisked" him and did not mention a second officer. PO Iglesias and PO3 patted underneath his arm area, along his waistband, his pockets, and all around his legs and ankles. Neither officer entered his pockets. § 87(2)(b) wore gray sweatpants, a white tee shirt and a black jacket. PO1 stood by the officers and witnessed the frisk and told § 87(2)(b) to leave. Then PO Iglesias and PO3 walked away. PO3 crossed the street and stopped a car. § 87(2)(b) turned to PO1 and asked PO1 for PO Iglesias' name

and shield number. PO1 called out to PO Iglesias to return. PO Iglesias walked back and § 87(2)(b) asked him for his name and shield number. Then PO Iglesias took out a pen and asked § 87(2)(b) for his name. § 87(2)(b) provided his name and his address in Florida, where he permanently resides. PO Iglesias stated, "If this is not your last name, you're going down." PO Iglesias walked away.

PO4, described as a uniformed black female officer, approached § 87(2)(b) and PO1 and stood next to them. § 87(2)(b) asked PO1 which precinct they were from and PO1 stated the 49th Precinct. After ten or fifteen minutes, PO Iglesias returned and handed § 87(2)(b) a summons for § 87(2)(b) and stated, "This is for you. That's for riding the bike." § 87(2)(b) confirmed that he did not see whether PO Iglesias wrote the summons. § 87(2)(b) read PO Iglesias's badge number off of his nameplate as #15102 and sarcastically thanked the officer and the officers walked away. § 87(2)(b) confirmed that PO Iglesias did not provide his name and shield number or indicate that it would be located on the summons.

Attempts were made to schedule a photo array with § 87(2)(b) once the officers were identified. However, in a telephone call on September 27, 2007 with the undersigned investigator, a female who identified herself as § 87(2)(b)'s mother, stated that § 87(2)(b) § 87(2)(b) would not be available until the end of January 2008. A message was left on § 87(2)(b)'s cell phone asking him to contact the investigator in order to confirm this. As of December 6, 2007, § 87(2)(b) has not contacted the investigator. § 87(2)(g)

Results of Investigation

Officer Identification

The summons identified PO Miguel Iglesias. PO Iglesias confirmed his presence during the incident and identified his partner, PO Fram Roekthanom. The 43rd Precinct Roll Call identified PO Tania Montes as the only Hispanic female officer assigned to work a foot post at corner of East 172nd Street and Stratford Avenue during the time of the incident.

PO Michael Iglesias

On August 3, 2007, PO Iglesias, a 27 year-old Hispanic male, was interviewed at the CCRB (Enc. 15-16). PO Iglesias worked from 6:00 PM to 3:35 AM with PO Roekthanom and other officers on foot conducting car stops. His memobook indicates that at 8:07 PM, one male was stopped on the corner of Stratford Avenue and East 172nd Street for riding his bicycle on the sidewalk. A warrant check revealed negative results to § 87(2)(b). A summons, #§ 87(2)(b) was served and patrol was resumed (Enc. 11-14).

On April 13, 2007 at approximately 8:07 PM, PO Iglesias and officers whom he could not recall observed § 87(2)(b) riding his bicycle on the sidewalk on the corner of Stratford Avenue and East 172nd Street in the Bronx. PO Iglesias approached § 87(2)(b) and asked him for identification, which § 87(2)(b) stated that he did not have.

PO Iglesias told § 87(2)(b) to dismount his bicycle, to which § 87(2)(b) complied. § 87(2)(b) had both of his hands in his two front pockets and PO Iglesias asked him to remove them. § 87(2)(b) refused and kept his hands in his pockets. PO Iglesias frisked the outside of § 87(2)(b)'s front and back pockets of his pants to make sure he did not have any weapons and for his safety. Then PO Iglesias informed § 87(2)(b) that riding his bike on the sidewalk and not having identification gave him the authority to place § 87(2)(b) under arrest. PO Iglesias told § 87(2)(b) that he would not arrest him as long as § 87(2)(b) had no warrants. PO Iglesias asked § 87(2)(b) for his name and his date of birth and warned him that he could arrest him for providing false information. § 87(2)(b) provided his name and date of birth and PO Iglesias walked away for two to three minutes and ran a warrant check, which yielded negative results. Then PO Iglesias issued § 87(2)(b) a summons for riding his bike on the sidewalk. § 87(2)(b) asked PO Iglesias for his name and shield number, which PO Iglesias verbally provided and pointed to his badge. PO Iglesias also told § 87(2)(b) that his name and shield number were located at the bottom of the summons. Then PO Iglesias walked away and

resumed patrol. PO Iglesias confirmed that no other officers stopped § 87(2)(b) and did not recall a Hispanic female officer present at the scene. PO Iglesias did not know whether another officer assisted him in the frisk.

PO Fram Roekthanom

On September 5, 2007, PO Roekthanom, a § 87(2)(b)-old Asian male, provided a statement to the CCRB (Enc. 20-21). On April 14, 2007, PO Roekthanom worked from 6:00 PM to 2:35 AM in uniform with PO Iglesias conducting car stops. He did not have any memobook entries pertaining to the incident (Enc. 17-19).

On April 14, 2007, around 8:00 PM, PO Roekthanom and PO Iglesias conducted car stops on the corner of East 172nd Street and Stratford Avenue. PO Roekthanom observed PO Iglesias stop § 87(2)(b) who was riding his bike on the sidewalk. PO Roekthanom approached them as PO Iglesias asked § 87(2)(b) for identification and § 87(2)(b) who was described as uncooperative, stated that he did not have it and verbally provided his name, address, and date of birth. PO Roekthanom stated that § 87(2)(b) was uncooperative because he would not provide identification and kept asking the officers why they were stopping him. PO Roekthanom did not recall how many times § 87(2)(b) was asked to provide identification or how many times § 87(2)(b) verbally refused. PO Iglesias wrote it down and walked away while PO Roekthanom stayed with § 87(2)(b) to run a warrant check. Once it was confirmed that § 87(2)(b) had no warrants, PO Iglesias issued § 87(2)(b) a summons for § 87(2)(b). PO Roekthanom denied that a female officer stopped the male before PO Iglesias. PO Roekthanom denied that any other officers were present at this time and did not recall whether the officers frisked § 87(2)(b) or threatened § 87(2)(b) with arrest. PO Roekthanom did not recall whether § 87(2)(b) asked PO Iglesias for his name and shield number.

PO Tania Montes

On September 19, 2007, PO Montes, a § 87(2)(b)-old Hispanic female, was interviewed at the CCRB (Enc. 25-26). On April 14, 2007, PO Montes worked from 6:00 PM to 2:35 AM in uniform, assigned to a foot post with PO Jorge Perdomo. Her memobook indicated that at 7:48 PM, PO Montes was on the corner of Stratford Avenue. She had no other entries pertaining to the incident (Enc. 20-21).

On April 14, 2007 at 8:00 PM, PO Montes and PO Perdomo conducted car stops on the corner of Stratford Avenue and East 172nd Street. PO Montes did not recall the incident even after a brief description was provided. PO Montes did not recall if there were other officers present during this time and stated that she was at this location until 9:25 PM, when she did a vertical patrol on Morrison Avenue. PO Montes confirmed that PO Iglesias and PO Roekthanom were not working at this location.

Police Documentation

The 43rd Precinct Roll Call Tour 3 for April 14, 2007 indicates that PO Iglesias, PO Roekthanom, and PO Montes were assigned for duty (Enc. 27-28).

Summons Disposition

There is no record on file of summons # § 87(2)(b)

Record of Criminal Convictions

§ 87(2)(b)) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB History

This is § 87(2)(b)'s first CCRB complaint (Enc. 2). PO Iglesias has no substantiated CCRB allegations during his 1-year tenure with the NYPD (Enc. 1).

Conclusions and Recommendations

Identification of Subject Officers

§ 87(2)(g)

§ 87(2)(g)

Undisputed Facts

It remains undisputed that PO Iglesias stopped § 87(2)(b) for riding his bicycle on the sidewalk and asked him for his identification, which § 87(2)(b) claimed he did not have. PO Iglesias told § 87(2)(b) that he could be arrested if he provided PO Iglesias with false information. PO Iglesias issued § 87(2)(b) a summons for § 87(2)(b). At some point, § 87(2)(b) asked PO Iglesias for his name and shield number.

Disputed Facts

§ 87(2)(g)

Credibility Analysis

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegations Not Pleaded

§ 87(2)(g)

Allegation A: PO Miguel Iglesias frisked § 87(2)(b)

Allegation B: An officer frisked § 87(2)(b)

§ 87(2)(b) alleged that after being stopped, PO Iglesias and a black Hispanic male officer, PO3, frisked him. PO Iglesias admitted to frisking § 87(2)(b) although he did not recall if another officer assisted him.

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g) Under New York Criminal Procedure Law 150.20 (encl. A1-A2), “an officer may choose to issue a summons rather than placing the civilian under arrest.” § 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation C: PO Miguel Iglesias refused to provide his name and shield number to § 87(2)(b)

§ 87(2)(b) alleged that PO Iglesias did not respond when he asked the officer for his name and shield number. However, § 87(2)(b) did testify that he was able to later obtain PO Iglesias’ name and shield number by looking at PO Iglesias’ nameplate and shield and writing down the information. PO Iglesias disputed that he refused the request and claimed that he verbally provided it, pointed to his badge, and stated that it was also located on the summons. PO Roekthanom did not recall whether § 87(2)(b) requested PO Iglesias’ name and shield. Patrol Guide Procedure 203-09 (encl. B) indicates that upon request, officers should courteously and clearly state their rank, name and shield number and command, or otherwise provide them, to anyone who requests it. Additionally, officers should allow ample time for civilians to write down this information. § 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation D: PO Miguel Iglesias threatened § 87(2)(b) with arrest.

§ 87(2)(b) alleged that PO Iglesias threatened “you’re going down,” if § 87(2)(b) did not provide his real name. § 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: